IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 6TH AUGUST 2007 / 15TH SRAVANA 1929

Bail Appl..No. 4601 of 2007()

CRIME NO.26/06 OF HOSDURG POLICE STATION

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PETITIONER/ACCUSED NO.2

GANESHAN, AGED 25 YEARS, S/O. APPA (LATE
RESIDING AT KOLAVAYAL, AJANUR VILLAGE OF
HOSDURG TALUK.

BY ADV. SRI.A.N.SANTHOSH

RESPONDENTS: COMPLAINANTS

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1. STATE OF KERALA REPRESENTED BY
CIRCLE INSPECTOR OF POLICE,
HOSDURG IN HOUSURG POLICE CRIME NO. 26/2006.

2. THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY P.P. SRI. JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 4601 OF 2007

Dated this the 6th day of August, 2007

ORDER

Application for anticipatory bail. The petitioner is the 2nd accused in a crime registered, inter alia, under Secs.420 and 468 of the IPC. That crime, in turn, was registered on the basis of a private complaint filed before the learned Magistrate and referred to the police by the learned Magistrate under Sec.156(3) of the Cr.P.C.

2. The crux of the allegations against the petitioner is that he introduced the de facto complainant to the 1st accused. Thereupon, the 1st accused and the de facto complainant allegedly entered into an agreement dated 16/8/05. In such agreement, the 1st accused promised to make a visit Visa available to the de facto complainant and also to ensure that a job Visa is furnished to him after he reaches the country of employment abroad. It is the case of the de facto complainant

that the said visit Visa was forged and that the 1st and 2nd accused in collusion had induced the de facto complainant to part with an amount of Rs.1,05,000/- on the basis of false representations. The petitioner – the 2nd accused, introduced the de facto complainant to the 1st accused. He also signed as an attestor in the agreement dated 16/8/05. Investigation is in progress. The petitioner apprehends imminent arrest.

3. The learned counsel for the petitioner submits that the allegations are totally false. The petitioner had only introduced the de facto complainant to the 1st accused. When they entered into an agreement, he had signed as a witness only. He had no better connection with the transaction in question. Moreover, the learned counsel submits that the de facto complainant had, in fact, gone abroad on a Visa provided by the 1st accused and that he had subsequently secured employment also at his place of employed abroad. Now false allegations are raised after an elapse of more than 1 ½ years with the transparent intention of vexing and harassing the accused. In these circumstances, it is submitted that the petitioner does not deserve to endure the trauma of undeserved arrest and detention. It is prayed that directions under Sec.438 of the Cr.P.C. may be issued in favour of the petitioner.

4. The learned Public Prosecutor does not oppose the application and in the circumstances to which a brief reference has already been made by me above, I am satisfied that subject to appropriate conditions, anticipatory bail can be granted to the petitioner.

5. In the result, this petition is allowed. Following directions are issued under Sec.438 of the Cr.P.C:

(i) The petitioner shall appear before the learned Magistrate having jurisdiction at 11 a.m. on 13/8/07. He shall be released on regular bail on his executing a bond for Rs.50,000/- with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 1 p.m. on 14/8/07 and 15/8/07 and thereafter on all Mondays and Fridays between 10 a.m. and 12 noon for a period of two months. Subsequently, he shall so make himself available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so.

(iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to

arrest the petitioner and deal with him in accordance with law as if these directions were not issued at all;

(iv) If the petitioner were arrested prior to his surrender on 13/8/07 as directed in clause (i) above, he shall be released on his executing a bond for Rs.50,000/- without any sureties undertaking to appear before the learned Magistrate on 13/8/07.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge